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**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KATHE KERR, PH.D
275 Centennial Way, Suite 100
Tustin, CA 92680

Psychologist License No. PSY 10006
Respondent.

Case No. W-186

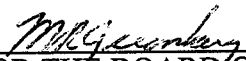
QAH No. L-2000080197

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on September 14, 2001.

It is so ORDERED August 15, 2001.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
Martin R. Greenberg, Ph.D., President

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
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7 Attorneys for Complainant
8

9 **BEFORE THE**
BOARD OF PSYCHOLOGY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 KATHE KERR, PH.D
275 Centennial Way, Suite 100
14 Tustin, CA 92680

15 Psychologist License No. PSY 10006

16 Respondent.
17

Case No. W-186

OAH No. L-2000080197

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board of
22 Psychology. He brought this action solely in his official capacity and is represented in this
23 matter by Bill Lockyer, Attorney General of the State of California, by Michael P. Sipe, Deputy
24 Attorney General.

25 2. Respondent Kathe Kerr, Ph.D ("Respondent") is represented in this
26 proceeding by attorney Robert A. Mosier, whose address is McGregor & Mosier, A.P.C., 25301
27 Cabot Rd., Ste. 110, Laguna Hills, CA 92653.

28 ///

3. On or about March 25, 1987, the Board of Psychology issued Psychologist License Number PSY 10006 to Kathe Kerr, Ph.D ("Respondent"). The Psychologist license was in full force and effect at all times relevant to the charges brought and will expire on May 31, 2002, unless renewed.

JURISDICTION

4. Accusation No. W-186, was filed before the Board of Psychology of the Department of Consumer Affairs, ("Board"), and is currently pending against Respondent. The Accusation, together with all other statutorily required documents, was duly served on Respondent on June 12, 2000, and Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. W-186 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and discussed with her counsel the nature of the charges and allegations in the Accusation and the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation, the right to be represented by counsel, at her own expense, the right to confront and cross-examine the witnesses against her, the right to present evidence and to testify on her own behalf, the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to reconsideration and court review of an adverse decision, and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon her Psychologist license.

9. Respondent does not contest the truth of each charge and allegation in Paragraph 5, A. through E. in the Accusation No. W-186.

10. Respondent agrees that her Psychologist license is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Order below.

CONTINGENCY

11. This stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board of Psychology's staff and counsel for Complainant may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. If the Board fails to adopt this stipulation as its Order, except for this paragraph the Stipulated Settlement and Disciplinary Order shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the original Stipulated Settlement and Disciplinary Order and signatures.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board shall, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Psychologist License Number PSY 10006 issued to Respondent Kathe Kerr, Ph.D is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. PSYCHOLOGICAL EVALUATION Within 90 days of the effective date of this Decision and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a release which authorizes the evaluator to furnish the Board a current DSM IV diagnosis

1 and a written report regarding the respondent's judgement and/or ability to function
2 independently as a psychologist with safety to the public, and whatever other information the
3 Board deems relevant to the case. The completed evaluation is the sole property of the Board.

4 If the Board concludes from the results of the evaluation that respondent's ability
5 to practice psychology safely is impaired due to mental illness, respondent shall immediately
6 cease accepting new patients and, in accordance with professional standards, shall appropriately
7 refer/terminate existing patients within 30 days and shall not resume practice until a board-
8 appointed evaluator determines that respondent is safe to practice. During this suspension
9 period, probation will be tolled and will not apply to the reduction of this probation period.

10 If ongoing psychotherapy is recommended in the psychological evaluation, the
11 Board will notify respondent in writing to submit to such therapy and to select a psychotherapist
12 for approval by the Board or its designee within 30 days of such notification. The therapist shall
13 1) be a California-licensed psychologist with a clear and current license; 2) have no previous
14 business, professional, personal or other relationship with respondent; 3) not be the same person
15 as respondent's practice monitor. Frequency of psychotherapy shall be determined upon
16 recommendation of the treating psychotherapist with approval by the Board or its designee;
17 however, psychotherapy shall, at a minimum, consist of one one-hour session per week.
18 Respondent shall continue psychotherapy until released by the approved psychologist and
19 approved by the Board or its designee. The Board or its designee may order a re-evaluation upon
20 receipt of the therapist's recommendation.

21 Respondent shall execute a release authorizing the therapist to provide to the
22 Board any information the Board or its designee deems appropriate, including quarterly reports
23 of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
24 therapist. If the therapist believes the respondent cannot continue to independently render
25 psychological services, with safety to the public, he/she shall notify the Board immediately.

26 Respondent shall pay all costs associated with the psychological evaluation and
27 ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation
28 order.

1 2. PRACTICE MONITOR Within 90 days of the effective date of this
2 Decision, respondent shall submit to the Board or its designee for prior approval, the name and
3 qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall
4 1) be a California-licensed psychologist with a clear and current license; 2) have no prior
5 business, professional, personal or other relationship with respondent; and 3) not be the same
6 person as respondent's therapist. The monitor's education and experience shall be in the same
7 field of practice as that of the respondent.

8 Once approved, the monitor shall submit to the Board or its designee a plan by
9 which respondent's practice shall be monitored. Monitoring shall consist of a least one hour per
10 week of individual face to face meetings and shall continue during the entire probationary period.
11 The respondent shall provide the monitor with a copy of this Decision and access to respondent's
12 fiscal and/or patient records. Respondent shall obtain any necessary patient releases to enable the
13 monitor to review records and to make direct contact with patients. Respondent shall execute a
14 release authorizing the monitor to divulge any information that the Board may request. It shall
15 be respondent's responsibility to assure that the monitor submits written reports to the Board or
16 its designee on a quarterly basis verifying that monitoring has taken place and providing an
17 evaluation of respondent's performance.

18 Respondent shall notify all current and potential patients of any term or condition
19 of probation which will affect their therapy or the confidentiality of their records (such as this
20 condition which requires a practice monitor). Such notifications shall be signed by each patient
21 prior to continuing or commencing treatment.

22 If the monitor quits or is otherwise no longer available, respondent shall obtain
23 approval from the Board for a new monitor within 30 days. If no new monitor is approved within
24 30 days, respondent shall not practice until a new monitor has been approved by the Board or its
25 designee. During this period of non-practice, probation will be tolled and any period of non-
26 practice shall not apply to the reduction of this probationary period. Respondent shall pay all
27 costs associated with this monitoring requirement. Failure to pay these costs shall be considered
28 a violation of probation.

1 3. EXAMINATION(S) Respondent shall take and pass the jurisprudence
2 examination prior to the termination of probation. The written examination shall be taken on
3 regularly scheduled dates in January and June of each year. It is respondent's responsibility to
4 contact the Board in writing to make arrangements for such examination(s). Respondent shall
5 pay the established examination fee(s).

6 Respondent shall take the next regularly scheduled jurisprudence examination,
7 and if respondent fails such examination, respondent shall immediately cease accepting new
8 patients and, in accordance with professional standards, shall appropriately refer/terminate
9 existing patients within 30 days and shall not resume practice until the re-examination has been
10 successfully passed, as evidenced by written notice to respondent from the Board or its designee.
11 During this period of non-practice, probation is tolled and this period of non-practice will not
12 apply to the reduction of this probationary period.

13 4. COURSEWORK Respondent shall take and successfully complete not
14 less than 12 hours of coursework each year of probation in the following areas: laws, ethics and
15 clinical issues. Coursework must be preapproved by the Board or its designee. All coursework
16 shall be taken at the graduate level at an accredited educational institution or by an approved
17 continuing education provider. Classroom attendance is specifically required; correspondence or
18 home study coursework shall not count toward meeting this requirement. The coursework must
19 be in addition to any continuing education courses that may be required for license renewal.

20 Within 90 days of the effective date of this Decision, respondent shall submit to
21 the Board or its designee for its prior approval a plan for meeting the educational requirements.
22 All costs of the coursework shall be paid by the respondent.

23 5. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
24 shall pay the Board its costs of investigation and enforcement in the amount of \$6,000. Payment
25 due for cost of investigation may be paid in equal payments each year of probation. Final
26 payment is due 6 months before the end of probation. Such costs shall be payable to the Board
27 of Psychology. Failure to pay such costs shall be considered a violation of probation.

28 ///

1 The filing of bankruptcy by respondent shall not relieve respondent of the
2 responsibility to repay investigation and enforcement costs

3 6. PROBATION COSTS Respondent shall pay the costs associated with
4 probation monitoring each and every year of probation. Such costs shall be payable to the Board
5 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be
6 considered a violation of probation.

7 The filing of bankruptcy by respondent shall not relieve respondent of the
8 responsibility to repay investigation and enforcement costs

9 7. OBEY ALL LAWS Respondent shall obey all federal, state, and local
10 laws and all regulations governing the practice of psychology in California including the ethical
11 guidelines of the American Psychological Association. A full and detailed account of any and all
12 violations of law shall be reported by the respondent to the Board or its designee in writing
13 within seventy-two (72) hours of occurrence.

14 8. QUARTERLY REPORTS Respondent shall submit quarterly
15 declarations under penalty of perjury on forms provided by the Board or its designee, stating
16 whether there has been compliance with all the conditions of probation.

17 9. PROBATION COMPLIANCE Respondent shall comply with the
18 Board's probation program and shall, upon reasonable notice, report to the assigned District
19 Office of the Medical Board of California or other designated probation monitor. Respondent
20 shall contact the assigned probation officer regarding any questions specific to the probation.
21 order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants
22 associated with the case; 2) Board members or members of its staff; or 3) persons serving the
23 Board as expert evaluators.

24 10. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
25 appear in person for interviews with the Board or its designee upon request at various intervals
26 and with reasonable notice.

27 11. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
28 writing, through the assigned probation officer, of any and all changes of employment, location,

1 and address within 30 days of such change.

2 12. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
3 STATE NON-PRACTICE In the event respondent should leave California to reside or to
4 practice outside the State or for any reason should respondent stop practicing psychology in
5 California, respondent shall notify the Board or its designee in writing within ten days of the
6 dates of departure and return or the dates of non-practice within California. Non-practice is
7 defined as any period of time exceeding thirty days in which respondent is not engaging in any
8 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of
9 temporary or permanent residency or practice outside California or of non-practice within
10 California will not apply to the reduction of this probationary period., although the Board may
11 allow respondent to complete certain terms of probation that are not associated with active
12 practice.

13 13. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is
14 licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise
15 psychological assistants, interns or trainees during the course of this probation. Any such
16 supervisorial relationship in existence on the effective date of this probation shall be terminated
17 by respondent and/or the Board.

18 14. FUTURE REGISTRATION OR LICENSURE If respondent is currently
19 registered as a psychological assistant and subsequently obtains other psychological assistant
20 registrations or becomes licensed as a psychologist during the course of this probationary order,
21 respondent agrees that this Decision shall remain in full force and effect until the probationary
22 period is successfully terminated. Future registration or licensure shall not be approved,
23 however, until respondent is currently in compliance with all of the terms and conditions of
24 probation.

25 15. VIOLATION OF PROBATION If respondent violates probation in any
26 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
27 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
28 Revoke Probation is filed against respondent during probation, the Board shall have continuing

1 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
2 is final. No Petition for Modification or Termination of Probation shall be considered while
3 there is an Accusation or Petition to Revoke Probation pending against respondent.

4 16. COMPLETION OF PROBATION Upon successful completion of
5 probation, respondent's license shall be fully restored.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and
8 have fully discussed the terms and conditions and other matters contained therein with my
9 attorney Robert A. Mosier, I understand the effect this stipulation will have on my Psychologist
10 license. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree
11 to be bound by the Disciplinary Order and Decision of the Board of Psychology. I further agree
12 that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile
13 copies of signatures, may be used with the same force and effect as the originals.

14
15 DATED: 7-12-01

Kathe Kerr Ph.D.
KATHE KERR, Ph.D.
Respondent

17 I concur with this stipulated settlement

18
19 DATED: July 12, 2001

ROBERT A. MOSIER
Attorney for Respondent

21 ENDORSEMENT

22 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
23 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

24
25 DATED: July 16, 2001

BILL LOCKYER, Attorney General
of the State of California

MICHAEL F. SIPE
Deputy Attorney General
Attorneys for Complainant

Exhibit A:

Accusation Case No. W-186

1 BILL LOCKYER, Attorney General
of the State of California

2 MICHAEL P. SIPE

State Bar No. 47150

Deputy Attorney General

California Department of Justice

110 West "A" Street, Suite 1100

San Diego, California 92101

P.O. Box 85266

San Diego, California 92186-5266

Telephone: (619) 645-2067

Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. W 186

12 KATHE KERR, Ph.D.

275 Centennial Way, Suite 100

13 Tustin, CA 92680

14 Psychologist No. PSY 10006

ACCUSATION

Respondent

17 Complainant Thomas S. O'Connor, as cause for disciplinary action, alleges:

18 PARTIES

19 1. Complainant brings this accusation solely in his official capacity as the
20 Executive Officer of the Board of Psychology, Department of Consumer Affairs.

21 2. On or about March 24, 1987, the Board of Psychology issued Psychologist
22 No. PSY 10006 to Kathe Kerr, Ph.D. ("Respondent"). Said license was in full force and effect at
23 all times relevant to the charges brought herein. Said license expired on May 31, 2000.

24 JURISDICTION

25 3. This accusation is brought before the Board of Psychology ("Board"),
26 under the authority of the following sections of the Business and Professions Code ("Code").

27 ///

28 ///

1 A. Section 2960 provides that the Board may revoke, suspend, or
2 place on probation the license of any licensee who has engaged in unprofessional
3 conduct. Unprofessional conduct includes, but is not limited to, the following:

4 "...."

5 "(h) Wilful, unauthorized communication of information received in
6 professional confidence.

7 "...."

8 "(j) Being grossly negligent in the practice of his or her profession.

9 "...."

10 "(n) The commission of any dishonest, corrupt, or fraudulent act.

11 "...."

12 "(r) Repeated acts of negligence."

13 B. Code section 2964.6 provides, in pertinent part, that an
14 administrative decision that imposes terms of probation may include the requirement that
15 the licensee who is placed on probation pay the monetary costs associated with
16 monitoring the probation.

17 C. Section 125.3 of the Code states, in pertinent part, that the Board
18 may request the administrative law judge to direct a licensee found to have committed a
19 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs
20 of the investigation and enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 (Gross Negligence)

23 4. Respondent, Kathe Kerr, Ph.D., is subject to disciplinary action on
24 account of the following:

25 A. In or about 1983, respondent, then a registered psychological
26 assistant, began providing therapy for patient L.C. The patient sought therapy for
27 problems arising from the death of her 3-year-old child from cancer and the birth,
28 subsequently, of her severely handicapped daughter. In addition, the patient had filed for

1 disability insurance for a cervical spinal cord injury she suffered from a fall at her place
2 of work. Respondent's diagnosis was emotional adjustment disorder with features of
3 anxiety and depression. A social security disability evaluation performed on the patient
4 indicated the patient was totally disabled and not fit for any employment. In about 1987,
5 respondent became licensed as a psychologist and undertook complete control of the
6 patient's therapy.

7 B. Between about 1987 and 1992, respondent provided therapy
8 approximately once a month for L.C. The therapy sessions took place in respondent's
9 office, at L.C.'s home and on the telephone. During this period, respondent continued to
10 complete "Supplementary Claim-Long-Term Disability" forms for the patient to receive
11 disability benefits from her insurance company. On the forms, respondent listed the
12 patient's diagnosis to be "Depressive Disorder: Psychological Factors Affecting Physical
13 Conditions." The patient's subjective symptoms were "insomnia, social withdrawal,
14 irritability, decreased stamina, tension headaches, peptic distress, crying bouts, dysphoria
15 and anxiety," among other things.^{1/}

16 C. Between about 1993 and 1998, respondent continued providing
17 therapy for L.C. Sometime in 1993, respondent deliberately destroyed the treatment
18 notes for L.C. Thereafter, respondent failed to generate any treatment notes on any of the
19 subsequent therapy sessions she had with L.C. Respondent also failed to document a
20 therapeutic structure that would include the nature and anticipated course of treatment.
21 After about May 1994, the therapy sessions at respondent's office stopped, however,
22 respondent provided therapy over the telephone, and at L.C.'s home. Respondent also
23 conducted joint therapy between L.C. and L.C.'s husband at the patient's home.

24 D. During the period 1993 and 1998, respondent maintained a social
25 relationship with L.C. The social relations included regular luncheons with L.C., annual
26

27 1. Statements pertaining to treatment respondent provided between 1983 and 1992 are
28 informational only. Conduct occurring during this period is not a basis for discipline.

1 birthday parties L.C. organized for respondent at L.C.'s home, frequent exchange of gifts
2 with L.C. and taking L.C. to art exhibits. Also, during this period, respondent discussed
3 the medical and psychological problems of some of her other patients with L.C. She also
4 confided to L.C. her problems with her boyfriends, her family and her finances.

5 E. During this period, respondent continued to complete the
6 supplemental disability forms as the attending provider for L.C. Her diagnosis continued
7 to be depressive disorder affecting physical condition. L.C.'s symptoms remained
8 unchanged and respondent's opinion that L.C. was totally disabled remained unchanged.
9 The last supplemental disability form respondent prepared is dated July 7, 1998. At no
10 time during this period did respondent counsel, encourage or prepare L.C. for the
11 possibility of returning to work. Respondent failed to seek professional advise about her
12 relationship with L.C. or the effectiveness of the treatment she was providing to L.C.
13 Respondent also failed to refer L.C. to another therapist or a physician.

14 F. Sometime in 1998, a social dispute arose between respondent and
15 L.C. In subsequent correspondence, respondent informed L.C. she was no longer her
16 therapist and she was no longer going to complete the supplemental disability forms.
17 Thereafter, L.C. sought treatment with another therapist.

18 5. Respondent Kathe Kerr, Ph.D., is subject to disciplinary action for
19 unprofessional conduct in that she was grossly negligent in the practice of her profession in
20 violation of Code section 2960(j) in that:

21 A. Paragraph 4, above, is hereby realleged and incorporated by this
22 reference as if fully set forth.

23 B. Respondent failed to arrive at an Axis II diagnosis in a patient she
24 treated for nearly 15 years.

25 C. Respondent failed to design a plan of therapy that would encourage
26 the patient to return to work or to go to school.

27 D. Respondent repeatedly breached professional-personal boundaries
28 by discussing personal aspects of her life with the patient.

1 E. Respondent engaged in improper dual relationships and multiple
2 relationships with patient L.C.

3 F. Respondent breached the confidentiality of some of her other
4 patients by discussing their personal information with patient L.C.

5 G. Between 1994 and 1998, respondent falsely filled out disability
6 claim forms for L.C. in which she referred to herself as the "treating physician" and
7 provided a diagnostic description of the patient's ongoing emotional, cognitive, social
8 and behavioral difficulties.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Wilful Unauthorized Communication of Confidential Information)

11 6. Respondent Kathe Kerr, Ph.D., is further subject to disciplinary action for
12 unprofessional conduct in that she engaged in wilful unauthorized communication of information
13 received in confidence in violation of Code section 2960(h) in that:

14 A. Paragraph 4, above, is hereby realleged and incorporated by this
15 reference as if fully set forth.

16 B. Respondent breached the confidentiality of some of her other
17 patients by discussing their personal information with patient L.C.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Repeated Negligent Acts)

20 7. Respondent Kathe Kerr, Ph.D., is further subject to disciplinary action for
21 unprofessional conduct in that she engaged in repeated acts of negligence in violation of Code
22 section 2960(f) in that:

23 A. Paragraph 4, above, is hereby realleged and incorporated by this
24 reference as if fully set forth.

25 B. Respondent failed to arrive at an Axis II diagnosis in a patient she
26 treated for nearly 15 years.

27 C. Respondent failed to design a plan of therapy that would encourage
28 L.C. to return to work or to go to school.

1 D. Respondent repeatedly breached professional-personal boundaries
2 by discussing personal aspects of her life with L.C.

3 E. Respondent engaged in improper dual relationships and multiple
4 relationships with L.C.

5 F. Respondent breached the confidentiality of some of her other
6 patients by discussing their personal information with L.C.

7 G. Between 1994 and 1998, respondent falsely filled out disability
8 claim forms for L.C. in which she referred to herself as the "treating physician" and
9 provided a diagnostic description of L.C.'s ongoing emotional, cognitive, social and
10 behavioral difficulties.

11 H. Respondent deliberately destroyed treatment notes on L.C. while
12 L.C. was still her patient.

13 I. Respondent failed to establish accurate notes detailing the
14 treatment she provided for L.C.

15 J. In her treatment of L.C., respondent failed to design a therapeutic
16 structure that would include the nature and anticipated course of treatment.

17 K. Respondent failed to monitor and evaluate the effectiveness of her
18 service to L.C., and failed to seek professional advice about her treatment of L.C. or
19 about the nature of her relationship with L.C.

20 L. Respondent failed to properly terminate her therapy relationship
21 with L.C., failed to make provision for L.C. to receive therapy after her treatment ended
22 and failed to make any psychological or medical referrals for L.C.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 (Dishonest, Corrupt and Fraudulent Acts)

25 6. Respondent Kathe Kerr, Ph.D., is further subject to disciplinary action for
26 unprofessional conduct in that she engaged in dishonest, corrupt and fraudulent acts in violation
27 of Code section 2960(n) in that:

28 ///

1 A. Paragraph 4, above, is hereby realleged and incorporated by this
2 reference as if fully set forth.


3 B. Between 1994 and 1998, respondent filled out disability claim
4 forms for L.C. in which she referred to herself as the "treating physician" and provided a
5 diagnostic description of the patient's ongoing emotional, cognitive, social and
6 behavioral difficulties.

7 PRAYER

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Psychology issue a decision:

- 10 1. Revoking or suspending Psychologist No. PSY 10006, issued to
11 Kathe Kerr, Ph.D.;
- 12 2. Ordering Kathe Kerr, Ph.D. to pay the Board of Psychology the reasonable
13 costs of the investigation and enforcement of this case, and, if placed on probation, the costs of
14 probation monitoring; and,
- 15 3. Taking such other and further action as the Board of Psychology deems
16 necessary and proper.

17 DATED: June 12, 2000

18 
19 THOMAS S. O'CONNOR
20 Executive Officer
21 Board of Psychology
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 03598-160-SD00AD0235
26 i:\all\sipe\kerr.acc 6/2/00
27
28

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
Filed Against: Kathe Kerr, Ph.D.

No: W-186

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Kathe Kerr, Ph.D.
275 Centennial Way, Suite 100
Tustin, CA 92680

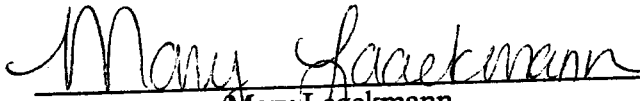
7099 3400 0002 4471 4855

Robert A. Mosier
McGregor & Mosier, A.P.C.
25301 Cabot Road, Suite 110
Laguna Hills, CA 92653

Michael P. Sipe
Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

Each said envelope was then, on August 15, 2001 sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on August 15, 2001 at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Mary Laackmann
DECLARANT